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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,977	09/29/2000	Frank P. Hart	042390.P9730	1730

7590 07/17/2003

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EXAMINER

DU, THUAN N

ART UNIT	PAPER NUMBER
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2185

DATE MAILED: 07/17/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/675,977

Applicant(s)

HART ET AL.

Examiner

Thuan N. Du

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-30 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 7 and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Panas et al. [Panas], U.S. Patent No. 6,473,857.

4. Regarding claims 1 and 12, Panas teaches a method for booting a subsystem (IOP) comprising the steps of:

retrieving a subsystem boot indicator [col.19, lines 2-8]; and

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transferring information to the subsystem based on the subsystem boot indicator [col. 19, lines 11-37].

5. Regarding claims 2 and 14, Panas teaches the subsystem boot indicator is located in a non-volatile storage device (CMA) [col. 19, lines 3-5].

6. Regarding claim 3, Panas teaches the non-volatile storage device is located within the subsystem [col. 19, line 3-5].

7. Regarding claims 7 and 13, Panas teaches the information transferred to the subsystem is transferred to a memory accessible by the subsystem [col. 19, lines 26-34, 46-48].

8. Regarding claim 15, Panas teaches a method for booting a subsystem (IOP) comprising the steps of:

retrieving a subsystem boot indicator [col.19, lines 2-8];

determining from the retrieved subsystem boot indicator whether to perform a boot [col. 19, lines 6-11]; and

performing a requested boot [col. 19, lines 50-53].

9. Regarding claim 16, Panas teaches the performing a request boot comprises:

retrieving information from a main system storage [col. 19, lines 24-29];

transferring the retrieved information to the subsystem [col. 19, lines 26-34]

storing the transferred information in a location accessible by the subsystem [col. 19, lines 26-34]; and

booting the subsystem from the stored information in the location accessible by the subsystem [col. 19, lines 46-53].

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4-6, 8-11 and 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panas et al. [Panas], U.S. Patent No. 6,473,857.

12. Regarding claims 4-6, Panas teaches the subsystem is powered up and boot without disrupting a main system operating system [col. 18, lines 61-65]. Therefore, obviously, Panas subsystem can also power up and boot without involvement of a main system operating system.

13. Regarding claims 8-11, Panas teaches a method comprising the steps of:  
starting a boot up of a computer [col. 18, line 66 to col. 19, line 2];  
retrieving a boot indicator [col.19, lines 2-8]; and  
transferring information inaccessible to a subsystem to a location accessible by the subsystem based upon the boot indicator [col. 19, lines 11-37].

Panas does not teach the step of shutting down the system after the information is transferred to the subsystem. It would have been obvious to one of ordinary skill in the art at the time the invention was made to power down the system after transferring the boot image to the subsystem for reducing power consumption.

14. Regarding claims 17-19, these claims are directed to method steps for booting a subsystem of claims 15 and 16. As stated above, Panas teaches the invention substantially as set forth in claims 15 and 16. At the time of the invention, one of ordinary skill in the art would

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have readily recognized that Panas may obviously also teach the method steps of claims 15 and 16 as set forth in claims 17-19. As such, claims 17-19 are rejected under the same rationale with respect to claims 15 and 16.

15. Regarding claims 20-30, Panas teaches the claimed method steps. Therefore, Panas teaches the apparatus to implement the claimed method steps.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292 or via e-mail, **thuan.du@uspto.gov**. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

### **Any response to this action should be mailed to:**

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

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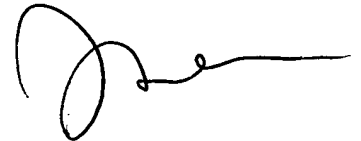
and/or:

(703) 746-5668 (use this fax number, only after approval by Examiner, for  
"INFORMAL" or "DRAFT" communication).

Hand-delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202  
Fourth Floor (Receptionist).

Thuan N. Du  
July 10, 2003

A handwritten signature in black ink, consisting of a large, stylized 'T' followed by a horizontal line.

THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100